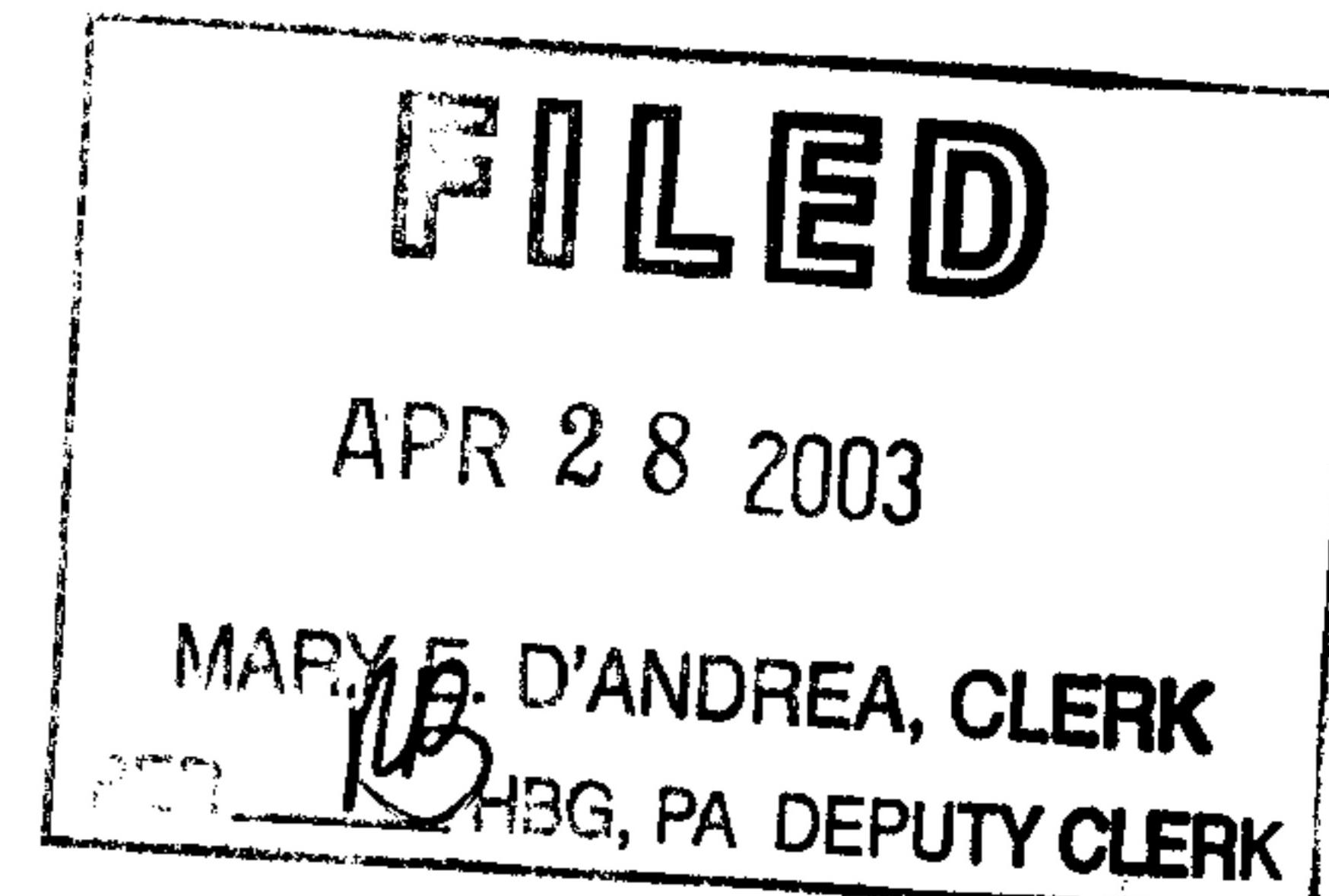


2003
JULY
ORIGINAL



**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

HARRY E. WILLIAMS JR., : CIVIL ACTION NO.: 1:CV-01-0877
Plaintiff :
v. :
: Judge Rambo✓
: :
PENNSYLVANIA TURNPIKE :
COMMISSION, :
Defendants :
:

PLAINTIFF'S POST TRIAL MOTIONS

AND NOW, comes Plaintiff, Harry E. Williams, Jr., by his attorney, Andrew J. Ostrowski, and in support of his Post Trial Motions, avers as follows:

1. On April 16, 2003, this Court entered Judgment in favor of Defendant on the verdict of the jury before whom the case was tried on April 14 and 15, 2003.
2. Although, in response to Plaintiff's objection, the Court revised its instructions to the jury to eliminate a reference to an improper legal standard requiring that Plaintiff "actually assisted" his co-worker in a complaint of

discrimination against the employer, and instead followed the statutory language of Title VII in its instruction to the jury, the Court refused to eliminate the "actually assisted" language from the special verdict question submitted to the jury. Under the circumstances, the only proper legal issue was never placed before the jury, thus causing the jury to return a verdict against Plaintiff on a factual determination made from an improper legal frame of reference.

3. In addition, Plaintiff was severely prejudiced by the Court's decision to quash the subpoena served upon Joseph McCool. Plaintiff clearly made a "tender" of the witness fee and mileage, and the Court erred in accepting the representations made in Mr. McCool's, and granting the motion without holding a hearing. More importantly, however, it is clear, especially in light of the evidence presented at trial, that Joseph McCool, who was absented from trial, together with Joseph Sullivan, who is deceased, were the central witnesses in Plaintiff's case, and Plaintiff was severely prejudiced by having been denied the opportunity to present Mr. McCool's live testimony. Plaintiff further submits that the Court erred in sustaining an objection to the admissions of Mr. McCool in the deposition testimony of Ronald Frank after Defendant waived their objection.

4. Plaintiff further submits that, in light of the evidence presented at trial, this Court's pretrial rulings are shown to have been clearly erroneous and/or that

the Court abused its discretion in its pretrial rulings on Defendant's Motions in Limine.¹

5. For the foregoing reasons, as well as such additional reasons which may be just and proper upon the filing of the transcript in this matter, Plaintiff seeks a new trial in this matter on all relevant issues.

WHEREFORE Plaintiff respectfully requests that this Court enter an appropriate Order granting relief consistent with the foregoing.

Respectfully submitted,

BAILEY STRETTON & OSTROWSKI

By:

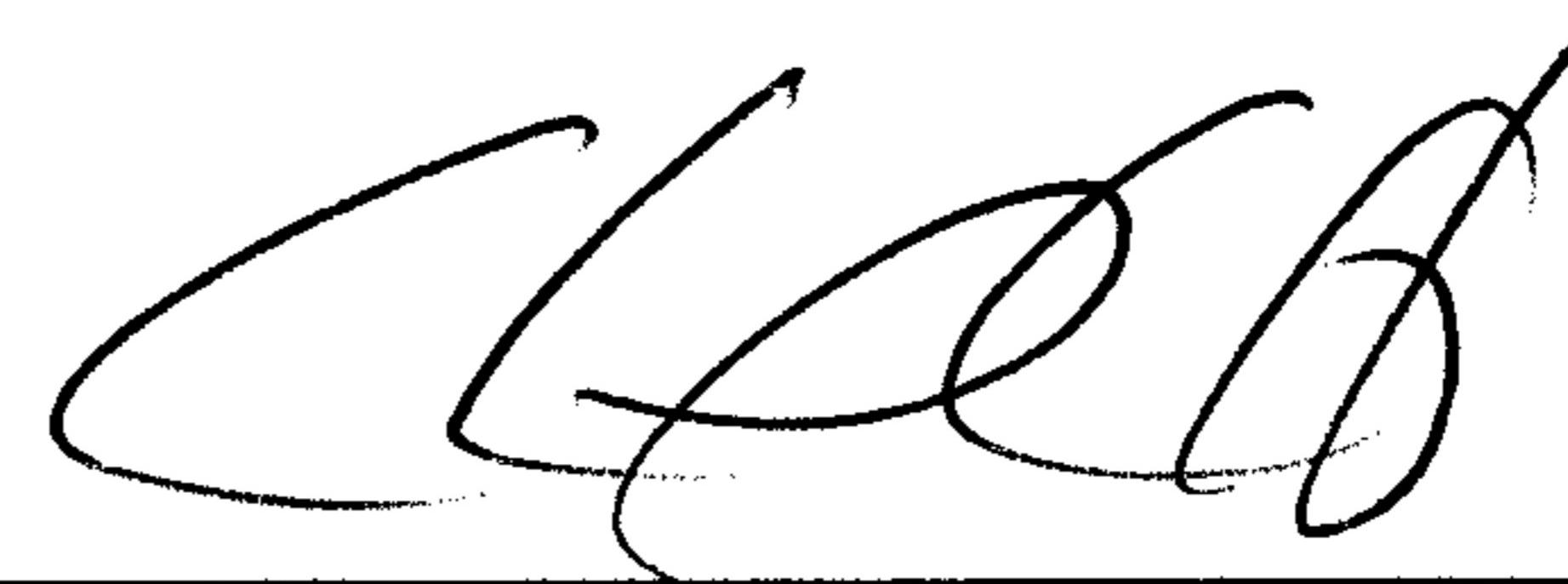


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Attorney for Plaintiff

¹The Court indicates that Plaintiff did not demonstrate how the Court's April 8, 2003 Order was "abusive", and the Court would be correct to criticize Plaintiff's Counsel for the use of "pejorative insults" in his filings with the Court if warranted, but Plaintiff submits that such is not warranted. Indeed, the Court's April 8, 2003 Order would have been subject to an "abuse of discretion" standard of review, and Plaintiff submits that the Court's recognition that "Plaintiff should not be punished for Counsel's neglect", implies that the Court also recognizes that the April 8, 2003 Order, standing alone, may not have satisfied that standard upon review. As Plaintiff's Counsel did in correspondence to the Court in the *Howard* matter, Plaintiff's Counsel again apologizes for any offense taken by the Court.

CERTIFICATE OF NONCONCURRENCE

I, Andrew J. Ostrowski, certify that Counsel for Defendant does not concur in Plaintiff's Motion.



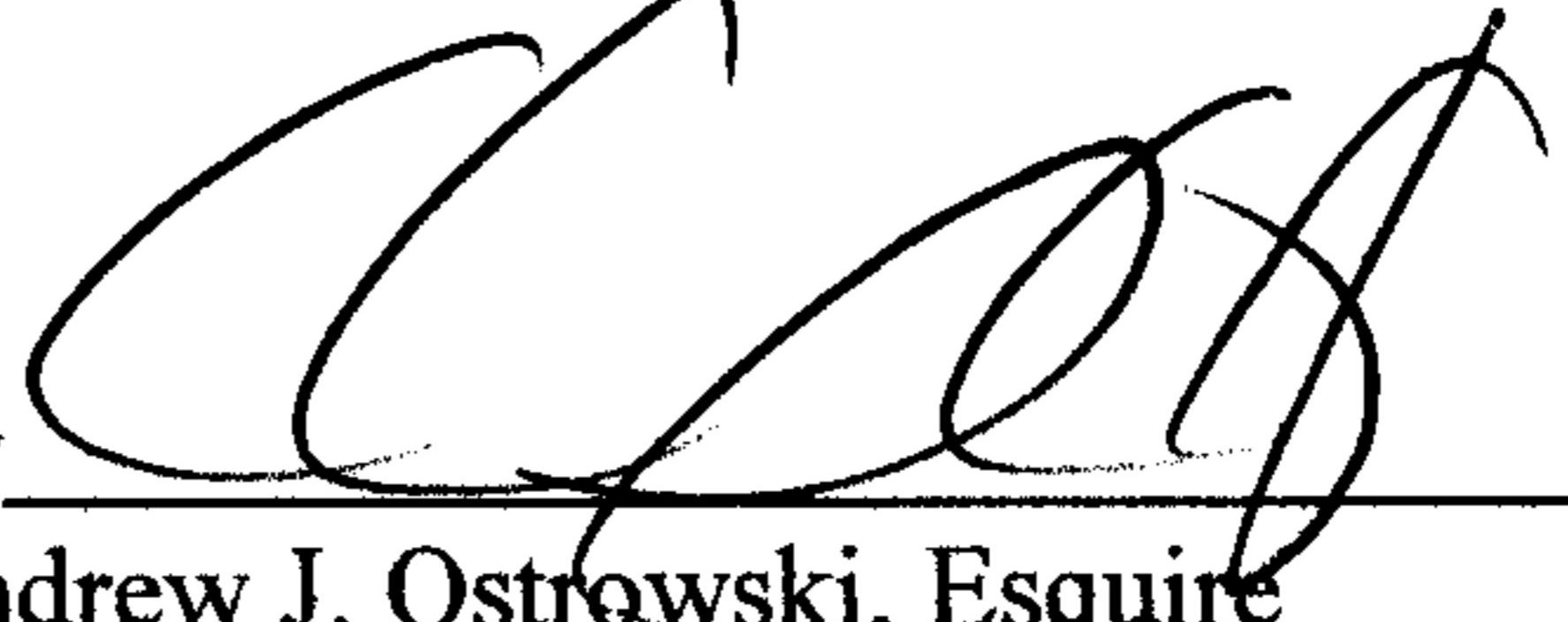
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Attorney for Plaintiff

Dated: April 28, 2003

CERTIFICATE OF SERVICE

I, Andrew J. Ostrowski, Esquire, hereby certify that I have served a true and correct copy of the foregoing document upon the following counsel of record by depositing the same in the U.S. Mail, postage prepaid, addressed as follows:

John C. Romeo, Esquire
Fox, Rothschild, O'Brien & Frankel
2000 Market Street, Tenth Floor
Philadelphia, PA 19103-2706

By 
Andrew J. Ostrowski, Esquire
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Dated: April 28, 2003